

EMERGENCY REGULATION

Register ___, _____ 2005

REVENUE

15 AAC 125.010 is amended to read:

Alaska Rule of Civil Procedure 90.3, effective August 1, 1987, as amended as of **April 15, 2005**[April 15, 2001], By Supreme Court Order **1526** [1417], is adopted by reference as the agency's child support guidelines. (Eff. 8/23/80, Register 75; am 10/1/85, Register 95; am 9/30/87, Register 103; am 2/24/90, Register 113; am 11/28/96, Register 140; am 10/1/98, Register 147; am 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 25.27.020 AS 25.27.200

AS 25.27.140

15 AAC 125.050 (b) (3) (C) is amended to read:

(C) the minimum \$50 per month support amount as set out in Alaska Rule of Civil Procedure 90.3 (c) **(3)** [(1) (B)] if the parent is less than 19 years of age;

15AAC 125.050 (d) (3) is amended to read:

(3) the minimum \$50 per month support amount as set out in Alaska Rule of Civil Procedure 90.3 (c) **(3)** [(1) (B)] if the parent is less than 19 years of age;

(Eff. 8/23/80, Register 75; am 10/1/98, Register 147; am 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 25.27.020 AS 25.27.160 AS 25.27.200

AS 25.27.140 AS 25.27.170

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15 AAC 125.070 (c) and (d) are amended to read:

(c) If the parents have divided custody of the children, as defined by Alaska Rule of Civil Procedure 90.3(f)(3) **or hybrid custody as defined by Alaska Rule of Civil Procedure 90.3 (f) (4)**, the agency will calculate the child support award by applying the formula set out in Alaska Rule of Civil Procedure 90.3(b) based on the adjusted annual income of each parent and the amount of time all of the children will spend with each parent. The agency will then consider whether that support amount should be varied under 15 AAC 125.075 because of the divided **or hybrid** custody arrangement.

(d) In determining whether there is primary, shared, divided **or hybrid** custody, the agency will follow the current custody order, if a custody order is in effect. If a custody order is not in effect, the agency will base the support calculation on the actual custody arrangement. The agency may require the parents to provide proof of the actual custody arrangement. As proof the parents may include school records, sworn statements from neighbors or other persons with knowledge of the child's residence, and any other reliable evidence of the child's residence. If a parent is receiving assistance through AS 47.27 (Alaska Temporary Assistance Program (ATAP)) on behalf of a child, the agency will presume that the parent has primary custody of the child unless the parent disputing the presumption of primary custody provides proof to establish, by a preponderance of the evidence, that a different custody arrangement exists. (Eff. 10/1/98, Register 147; am 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 25.27.020 AS 25.27.160 AS 25.27.200

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AS 25.27.140

AS 25.27.170

15 AAC 125.075 (a)(1) is repealed, (a)(3) is amended, and a new paragraph (a) (4) is added to read:

(a)(1) Repealed ____/____/____

...

(a)(3) the parent has an adjusted annual income that is more than \$100,000 [\$84,000], as calculated under 15 AAC 125.065; if a parent qualifies for a variance under this paragraph, the agency will base the support award on an adjusted annual income of \$100,000 [\$84,000]; the agency will make an additional award under this paragraph if the agency determines that an additional award is just and proper, taking into account the needs of the children, the standard of living of the children, and the extent to which that standard should be reflective of the parent's ability to pay.

...

(a)(4) if a parent qualifies for a variance under this paragraph, the agency will set the support award at no less than the minimum support amount of \$50 per month set out in the Alaska Rule of Civil Procedure 90.3(c)(3), except that

(A) the parent is entitled to an extended visitation credit under a valid order granting the parent visitation in excess of 27 consecutive days and providing for a credit for a period in which the extended visitation is actually exercised; or

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(B) a lesser amount is required under a shared, divided or hybrid calculation under Alaska Rule of Civil Procedure 90.3(b).

(Eff. 10/1/98, Register 147; am 6/15/2001, Register 158; am 11/30/2002, Register 164; am ___/___/___, Register ___)

Authority: AS 25.27.020 AS 25.27.160 AS 25.27.200
AS 25.27.140 AS 25.27.170

15 AAC 125.340(e)(2) and (f)(2) are amended to read:

(2) if the agency determines that the noncustodial parent would have been entitled under Alaska Rule of Civil Procedure 90.3(c)(**3**) [(1)(B)] to a minimum \$50-per-month order based on the parent's actual income during the period in question, the agency will
...

(2) if the existing support order requires one parent to pay support and the agency determines that the same parent would be the obligor for the additional child but that parent would be entitled under Alaska Rule of Civil Procedure 90.3(c)(**3**) [(1)(B)] to a minimum \$50-per-month order based on the parent's actual income during the period in question, the agency will (Eff. 6/15/2001, Register 158; am ___/___/___, Register ___)

Authority: AS 25.27.020 AS 25.27.170 AS 25.27.193